

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 2003P01030WO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2004/007446	International filing date (day/month/year) 07.07.2004	Priority date (day/month/year) 22.07.2003
International Patent Classification (IPC) or national classification and IPC F04D13/06		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2.	This REPORT consists of a total of <u>8</u> sheets, including this cover sheet.	
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>3</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4.	This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input checked="" type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007446

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-5 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☒ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-19 received by this Authority on 19.05.2005 with letter of 18.05.2005

nos.* _____ received by this Authority on _____

☒ the drawings:

sheets 1/2-2/2 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007446

Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
 - ☐ restricted the claims.
 - ☐ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
 - ☐ complied with.
 - ☒ not complied with for the following reasons:

See Supplemental Box

4. Consequently, this report has been established in respect of the following parts of the international application:

☒ all parts.

☐ the parts relating to claims Nos. _____

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007446

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-19</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-19</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-19</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. This report makes reference to the following documents:			
D1: DE 38 22 897 A (WEBASTO AG FAHRZEUGTECHNIK), 11 January 1990 (1990-01-11)			
D2: FR-A-2 608 228 (VALEO), 17 June 1988 (1988-06-17)			
2. Claim 1			
2.1 Documents D1 (cf., in particular, column 1, line 46 - column 2, line 17; column 2, line 57 - column 3, line 27; and figure 1) and D2 (cf., in particular, page 2, line 20 - page 4, line 6; and figure 1; page 8, line 1 - page 9, line 21; and figure 6) are regarded as the prior art closest to the subject matter of claim 1, since they disclose the characterising part of claim 1.			
The subject matter of claim 1 therefore differs from the known pump in that the slide bearing comprises a liquid seal.			
The subject matter of claim 1 is thus novel (PCT			

Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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Article 33(2)).

- 2.2** The present invention can therefore be considered to address the problem of providing a pump with an integrated, electronically commutated wet-running motor which is protected against damage in a simple manner.

The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT Article 33(3)) because neither D1 nor D2 (see also ring 39 on page 9 and figure 6 of D2) proposes a liquid seal in a slide bearing, nor does any document suggest the problem they address and the advantages achieved thereby.

- 2.3** Claims 2-9 are dependent on claim 1 and thus also meet the PCT novelty and inventive step requirements.

3. Claims 10 and 16

Independent claims 10 and 16 are also novel and inventive in relation to the prior art cited in the search report (PCT Article 33(2) and 33(3)).

- 4.** It should also be noted that:

(a) claims 1, 10 and 16 were drafted as separate independent claims and therefore do not meet the requirement of PCT Article 6 for conciseness;

(b) contrary to PCT Rule 5.1(a)(ii), the

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007446

Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

description does not cite documents D1 and D2 or
indicate the relevant prior art disclosed therein;

(c) contrary to PCT Rule 5.1(a)(iii), the
description is not in line with the claims.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

BOX IV.3**Lack of unity of invention**

The International Searching Authority has determined that this international application contains multiple (groups of) inventions which are not linked by a single general inventive concept (PCT Rule 13.1), as follows:

- I. Claim 1:
pump with an integrated, electronically commutated wet-running motor, the slide bearing having a liquid seal;
- II. Claim 10:
pump with an integrated, electronically commutated wet-running motor, the rotor having an inner chamber subdivided into two conically tapering subregions that run towards one another;
- III. Claim 16:
pump with an integrated, electronically commutated wet-running motor, the shaft in one bearing plate of the wet-running motor being mounted in an O-ring.

The characterising features which make a contribution over the prior art and thus can be regarded as special technical features under PCT Rule 13.2 are therefore different. Moreover, the technical problems addressed also appear to differ from one another.

Supplemental Box

This shows that no corresponding common technical effect is present. As a result, it is not possible to determine a technical interaction between the inventions embodied in a single general inventive concept.

Consequently, the groups of claims lack the unity of invention required by PCT Rule 13.1 and 13.2, both as relates to the special technical features and to the problems addressed.